

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELECTRONICALLY FILED

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PETER F. GAITO ARCHITECTURE, LLC d/b/a
PETER F. GAITO AND ASSOCIATES, and
PETER F. GAITO,

08 Civ. 6056 (WCC)

NOTICE OF MOTION

Plaintiffs,

-against-

SIMONE DEVELOPMENT CORP., SIMONE
CHURCH STREET LLC, JOSEPH SIMONE,
THOMAS METALLO, SACCARDI & SCHIFF,
INC., TNS DEVELOPMENT GROUP LTD.,
and SLCE ARCHITECTS, LLP,

Defendants.

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PLEASE TAKE NOTICE that upon the accompanying Declaration of Christopher A. Albanese, Memorandum of Law and attached exhibits submitted herewith, the undersigned attorneys for the Defendant, SLCE Architects, LLP, shall apply to the Honorable William C. Conner at the Southern District of New York located at 300 Quarropas Street, White Plains, New York for an Order dismissing, with prejudice, Plaintiffs' Amended Complaint, as asserted against SLCE Architects, LLP, pursuant to FRCP §12(b)(6).

PLEASE TAKE FURTHER NOTICE that, pursuant to Order of the Court, answering papers, if any, shall be served on December 10, 2008, with reply papers due on December 22, 2008.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: White Plains, New York
November 19, 2008

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By: s/_____
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